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A
COMPILATION AND SUMMARY
OF THE
FISH AND GAME LAWS
OF MASSACHUSETTS.

JUNE 1, 1878.

BY HENRY J. DUNHAM,
" "
STOCKBRIDGE, MASS.



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PREFACE.

The design of this little book is to present, in a concise form, the general law regulating the taking of Fish and Game in the Commonwealth of Massachusetts, and also the important special laws applicable to different localities which have been enacted since 1860. So many laws have been amended, and partially repealed, that it is exceedingly difficult to understand them by reading the Statutes.

This work is submitted to persons interested in the protection and cultivation of Fish and Game and in the enforcement of the laws pertaining to the same, in the hope that it will, to some extent, at least, supply a want that has been a subject of frequent remark

H. J. D.

STOCKBRIDGE, MASS., JUNE 1, 1878.

F I S H.

TROUT.

It is lawful to catch trout within this Commonwealth from April 1st to October 1st, inclusive, in each year; but "Whoever within this Commonwealth sells, offers for sale, exposes for sale, or has in his possession any trout, except alive, between the first day of October in each year and the next succeeding first day of April, shall forfeit for each fish taken, caught or killed between said first day of October in each year, and said next succeeding first day of April, and so sold, offered for sale, exposed for sale or had in his possession, the sum of Ten Dollars; and in all prosecutions under this act, the possession of any trout during the time included between the dates stated above, shall be *prima facie* evidence to convict under this act."

Chap. 221, Stat. 1876.

It is unlawful to take or catch any trout at *any* season of the year in any other manner than by hook and hand line, under a penalty of not less than five nor more than twenty dollars.

Chap. 186, Stat. 1874.

Sec. 26, Chap. 384, Stat. 1869.

Prosecutions under this law shall not be commenced except within one year from the time the offence is committed.

Chap. 137, Stat. 1873.

One-half the money recovered as penalties shall be paid to the person making the complaint, and the other half of the penalty first named shall be paid to the city or town in which the offence is committed.

Chap. 221, Stat. 1876.

Of the penalty last named, one-half is to be paid to the Commonwealth.

Sec. 33, Chap. 384, Stat. 1869.

“The Mayor or Alderman of any city, the Selectmen of any town, and all police officers and constables within this Commonwealth, shall cause the provisions of this act to be enforced in their respective cities and towns.”

Chap. 221, Stat. 1876.

For special laws regulating the taking of trout, and other fish, in certain localities, see index, and also under head of “Ponds, Rivers, Brooks,” etc.

Land-Locked Salmon.

The law respecting the taking of Land-Locked Salmon is precisely like that regulating the taking of trout. They may be taken between April 1st and October 1st. Forfeitures and penalties the same; duties of officers the same.

Lake Trout.

The law in regard to catching of Lake Trout is the same as to the taking of Trout or Land-locked Salmon.

Black Bass.

“Whoever takes any black bass in any of the ponds or streams of this Commonwealth from the first day of December to the first day of July in each year, or at any time, except with naturally or artificially baited hook and hand-line, or buys, sells or has in possession any such fish, taken within the limits of this Commonwealth, shall forfeit for each offence not less than two nor more than twenty dollars.”

Stat. 1869, Chap. 384, Sec. 30.
Chap. 113, Stat. 1871.

Prosecutions to be commenced within one year from the time the offence is committed. One-half of the penalty goes to the person making the complaint, and one-half to the Commonwealth.

Bass may be caught in the Connecticut River or its tributaries in this State, whenever it is lawful to catch them in said river in the State of Connecticut.

Chap. 224, Stat. of 1878.

Shad.

Whoever catches any shad except as hereinafter stated, at any other season than between the first day of March and the fifteenth day of June, shall forfeit for each shad, five dollars.

See, 29, Chap. 384, Stat. 1869.

The limitation of time for catching shad in the Connecticut River in this State shall hereafter be the same as that now fixed or which shall hereafter be prescribed by the Legislature of Connecticut for taking shad in said river in that State.

Penalty for each violation, one hundred dollars.

Chap. 369, Stat. 1870, and Chap. 76, Stat. 1869.

Shad may be taken from the Connecticut River with rod and line and artificially baited hook, at any time between the fifteenth day of March and the first day of August in each year.

Chap. 39, Stat. 1869.

Whoever takes or catches any shad in any part of the Merrimack River or its tributaries lying within this Commonwealth, except between sunrise on Monday morning and sunrise on Thursday morning of each week, from the first day of March to the tenth day of June in each year, shall forfeit for each shad so taken a sum not less than five nor more than twenty dollars.

Chap. 144, Stat. 1874.

In addition to the penalties prescribed, parties violating shall forfeit any boat, net, line, rod, or other apparatus used in such taking or catching.

Chap. 281, Stat. 1871.

No person shall take or catch any shad in the Weweeantit River, or its tributaries, in Plymouth County, for a period of five years from April 20, 1877, to April 20, 1882,

Penalty, five dollars for each shad, and forfeiture of all apparatus used.

Fish Committees may take for stocking purposes.

Nothing that will obstruct the free passage of fish or destroy their lives, shall be put into said river or its tributaries, under a penalty of five dollars for each offence.

Chap. 141, Stat. 1877.

The town of Braintree may, under certain restrictions, regulate the taking of shad in Montaquot River, within said town.

Chap. 123, Stat. 1877.

It is unlawful to take or catch any shad in Lake Quannapowitt, or in Saugus River, or its tributary streams in the counties of Middlesex and Essex, until January, 1882. Penalty, one dollar for each shad taken. Certain Fish Committees may take for re-stocking.

Nothing allowed to be placed in the waters that will injure the fish. Penalty not exceeding fifty dollars.

Chap. 16, Stat. 1877.

No shad shall be taken in any part of Taunton Great River or Newmarket River, between the hours of twelve o'clock in the night following Thursday of each week, and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June of each year, including both said days. No seine to be used within forty rods of any other seine.

Chap. 208, Stat. 1876.

It is unlawful to catch shad in North River, in the County of Plymouth, until July 1, 1881, under a penalty of five dollars for each shad, and also a forfeiture of all apparatus used.

Chap. 103, Stat. 1876.

The towns of Bridgewater, West Bridgewater, East Bridgewater and Halifax may, under certain restrictions, regulate the taking of shad in Town River, Satucket River and Nepoonset River, within the limits of said towns.

Chap. 190, Stat. 1872.

Salmon.

Whoever takes or catches any Salmon within the limits of this

Commonwealth, or who buys, sells, or has in his possession the same, taken within said limits, between the first day of August and the first day of May, shall forfeit for each offence not less than ten nor more than fifty dollars; and whoever buys, sells, or has in his possession any young salmon, less than one foot in length, shall forfeit five dollars for every young salmon of said dimensions bought, sold, or had in possession.

Sec. 27, Chap. 384, Stat. 1869.

Salmon cannot be taken in North River, in the County of Plymouth, until July 1, 1881, under a penalty of fifty dollars and forfeiture of apparatus.

Chap. 103, Stat. 1876.

Nor be taken in Lake Quannpowitt, or Saugus River, or its tributaries in the counties of Middlesex and Essex, until January 1, 1882. Penalty ten dollars.

Chap. 16, Stat. 1877.

Nor be taken in the Connecticut or Merrimack Rivers, or their tributaries in this Commonwealth, until April 7, 1880.

Chap. 144, Stat. 1874.

Pickarel.

There is no general law regulating the taking of Pickarel. They may be taken in any season and in any manner (except by poisoning) unless it is in towns that have adopted Section 2 of Chapter 83 of the General Statutes, or in leased lakes, or in waters where fishing is limited or restricted, as stated in this book, under head of "Ponds, Rivers, Brooks, &c."

Sees. 26 and 34, Chap. 384, Stat. 1869.

Eels.

Eels may be taken in any manner, and at any time, except by poisoning, or in leased lakes, or in waters where fishing is limited as above stated.

Sec. 26, Chap. 384, Stat. 1869.

Suckers, Bull Heads, Perch, &c.

It is unlawful to catch these fish in any other manner than by arti-

tificial or naturally baited hook and hand line, hand or dip net, sweep-seine or salmon pot. Penalty not less than Five nor more than Fifty dollars.

Sec. 26, Chap. 384, Stat. 1869.

Alewives, or Herring.

Except in certain localities, it is unlawful to catch alewives at any other season than between March 1 and June 15th in each year.

Penalty, twenty-five cents for each Alewife.

Sec. 29, Chap. 384, Stat. 1869.

Chap. 263, Stat. 1871.

They can only be caught in the Merrimack River, or its tributaries, in this State, between sunrise on Monday morning and sunrise on Thursday morning of each week, from March 1 to June 10, in each year. Penalty, one to five dollars.

Chap. 144, Stat. of 1874.

Alewives cannot be taken in North River, in the County of Plymouth, until July 1, 1881, under a penalty of Five Dollars, and forfeiture of apparatus.

Chap. 103, Stat. 1876.

No Alewives shall be taken in any part of Taunton Great River, or Newmarket River, between the hours of twelve o'clock in the night following Thursday of each week, and four o'clock on Monday morning succeeding, from the first day of March to the tenth day of June of each year, including both said days.

Chap. 208, Stat. 1876.

No Alewives shall be taken in Lake Quannapowitt, or in Saugus River, or its tributaries, in the counties of Middlesex or Essex, other than the one running from Flax Pond, in the city of Lynn, until January 1, 1882. Penalty, fifty cents for each fish taken.

Chap. 16, Stat. 1877.

Smelts.

Not to be caught in any other manner than by hook and hand line.

and only between March 15 and June 1st, in each year. Penalty, One Dollar for each fish.

But they may be caught in seines or nets in Bristol, Barnstable, or Dukes Counties, during the time and in the manner it is lawful to fish for Perch, Herring or Alewives.

Duty of Mayors, Aldermen, Selectmen, Police Officers and Constables to see that the law is enforced.

Chap. 153, Stat. 1874.

Chap. 364, Stat. 1873.

Other Fish.

Whoever takes or catches fishes which at any season frequent fresh water, except Eels and Pickerel, in any other manner than by artificially or naturally baited hook and hand line, hand or dip net, sweep-seine or salmon pot, shall forfeit a sum not less than Five Dollars nor more than Fifty Dollars: *Provided*, that nothing herein contained shall authorize the taking or catching of Trout, Land-locked Salmon, or Lake Trout in any other manner than by hook and hand line.

Sec. 26, Chap. 384, Stat. 1869.

It is not lawful to kill any fish with spear, except Eels and Pickerel.

Poisoning.

Whoever puts or throws into any waters within the State for the purpose of taking or destroying fish therein, any of the *Cocculus Indicus*, otherwise called Indian Berry, or Indian Cockle, or any other poisonous substances, whether the same is mixed with any other substance or not, shall forfeit Ten Dollars for every such offence.

Sec. 1, Chap. 83, Genl. Statutes.

Lobsters.

Whoever sells, or offers for sale, or has in his possession with intent to sell, either directly or indirectly, any lobster less than ten and one-half inches in length, measuring from one extreme of the body

to the other, exclusive of claws or feelers, shall forfeit for every such Lobster, Five Dollars.

All forfeitures accruing under this act shall be paid, one-half to the person making the complaint, and one-half to the city or town where the offence is committed.

Chap. 110, Stat. 1874.

Ponds, Rivers, Brooks, &c.

It is unlawful to take any fish from the pond of the Adams and Cheshire Reservoir Company, situate in the towns of Cheshire and Lanesborough, in any other manner than by naturally or artificially baited hook and hand line.

Penalty not less than twenty-five nor more than one hundred dollars, one-half to go to the complainant and one-half to the County of Berkshire.

Chap. 104, Stat. 1873.

No person shall take any fish from any reservoirs, ponds and streams held or owned by the City of Worcester for the purpose of supplying said city with pure water, without the permission of the Water Commissioners of said City, under the direction of the City Council of said City.

Penalty not less than Five nor more than Fifty Dollars.

Chap. 86, Stat. 1874.

No person shall take from Jehu's Pond, so-called in the Town of Mashpee, or from the outlet therefrom, more than three dozen of eels on any one day, without a permit in writing from the Selectmen of said Town. Penalty, twenty-five cents for each eel, one-half to go to complainant and one-half to said Town.

Chap. 60, Stat. 1875.

No person shall set, draw or use any seine or net for taking fish in the Great Ponds, on the island of Nantucket. Penalty, twenty-five to Fifty Dollars, with forfeiture of apparatus used.

Chap. 180, Stat. of 1875.

See Chap. 49, Stat. 1876.

Whoever takes, catches or destroys any Eels in Jones River, in

the Town of Kingston, or in Eeel River, in the Town of Plymouth, in the County of Plymouth, in any other manner than by spear, hook and line, shall forfeit not less than Five Dollars for every Eel so taken.

Chaps. 32 add 45. Stat. 1876.

It is unlawful to catch any Eels in Musquashmit Creek, or its tributaries, in the Towns of Scituate and Cohasset, in the Counties of Plymouth and Norfolk, in any other manner than by spear, hook and line. Penalty, One to Five Dollars.

Penalty for obstructing the Creek, or its tributaries, fifty to one hundred dollars.

Chap. 26, Stat. 1877.

The law same as above applies to Herring River and its tributaries in the Town of Wellfleet, in the County of Barnstable.

Chap. 42, Stat. 1877.

Also, to Mattapoisett River and its tributaries, in the Town of Mattapoisett, in the County of Plymouth, from the bridge at Town Mills to Mattapoisett Harbor, and in Barlow's Pond and its tributaries in said Town, and in its outlet to the harbor.

Chap. 66, Stat. 1877.

See also Chap. 259, Stat. 1864.

No person shall set, draw or use any seine, net or trawl, for the purpose of taking fish of any kind in the Watuppa Pond or any inlet or outlet thereof, in Fall River or Westport.

Penalty, Ten to Fifty Dollars, with forfeiture of apparatus; one-half to person making the complaint, and one-half to Commonwealth.

Chap. 108, Stat. 1877.

Whoever takes, catches or destroys any Eels in Ipswich River or its tributaries in the Town of Ipswich, in the County of Essex, in any other manner than by spear and hook and line, shall forfeit for every Eel so taken, caught or destroyed, not less than One Dollar nor more than Five Dollars; one-half to be paid to the complainant

Chap. 202, Stat. 1878.

Whoever uses any sweep-seine in the waters of the Connecticut, Westfield, Deerfield, Miller's, Merrimack, Nashua or Housatonic

Rivers, or their tributaries, having a mesh which stretches less than five inches, shall forfeit for the first offence Twenty-five Dollars, and for each subsequent offence, Fifty Dollars; and in each case shall also forfeit the apparatus thus unlawfully used, and the fish captured.

Chap. 172, Stat. of 1878.

No person shall set, draw, or sweep any seine or net, the meshes of which are less than two and one-fourth inches square when new and dry, for the purpose of catching any shad or any other fish, in that part of Connecticut River which is within the limits of this Commonwealth, and below the dam across said River at Holyoke, between the first day of May and the fifteenth day of July, during each year. Penalty, not less than Ten nor more Fifty Dollars.

Chap. 62, Stat. 1864.

Whoever takes or catches any fish beyond two hundred yards and within four hundred yards of any fish-way now built, or hereafter to be built on the Connecticut River, or its tributaries, lying within this Commonwealth, in any other manner than by naturally or artificially baited hooks and line, shall forfeit for each fish so taken or caught, the sum of twenty-five dollars.

Chap. 224, Stat. of 1878.

Whoever takes or catches any fishes within two hundred yards of any fish-way now built, or hereafter to be built, on the Connecticut River, or its tributaries, lying within this Commonwealth, or trespasses within the limits of such fish-way, shall forfeit for such offence the sum of Fifty Dollars.

Chap. 144, Stat. of 1874.

Chap. 224, Stat. of 1878.

Whoever uses any gill-net of any size or description in the waters of the Connecticut or Merrimack Rivers, or their tributaries, lying within this Commonwealth, shall forfeit for each offence the sum of Twenty-five Dollars.

Sec. 4, Chap. 144, Stat. 1874.

It is not lawful to catch Salmon either in the Connecticut or Merrimack Rivers, or their tributaries, within this State, for six years from April 7, 1874, to April 7, 1880.

Penalty, not less than Fifty nor more than Two Hundred Dollars,

or imprisonment in the House of Correction not less than two nor more than six months.

Chap. 144, Stat. 1874.

The Commissioners of Inland Fisheries have full authority in the matter of fish-ways in the Merrimack and Connecticut Rivers and their tributaries.

Chap. 238, Stat. 1866.

Chap. 422, Stat. 1869.

Chap. 50, Stat. 1876.

Not more than one seine shall be cast, set, swept or used on the Taunton Great River or Newasket River, within the same limits, or over the same ground, and at the same fishing place or location, nor shall any seine be cast, set, swept or used within forty rods of any other seine. Penalty, not less than Fifty, nor more than Two Hundred Dollars.

Chap. 208, Stat. 1876.

It is unlawful to catch trout in Marshpee River from Sept. 15 to March 20, and at all times, except with a permit from certain proprietors.

Chap. 46, Stat. 1860.

The Towns of Plymouth and Wareham have the control of the Shad and Alewife fishery in the Agawam and Half-Way Pond Rivers, and in all ponds or streams connecting therewith.

Chap. 89, Stat. 360.

Chap 117, Stat. 1863.

No person shall take any trout in Maple Spring Pond, in the Town of Wareham, or in the waters running into or flowing therefrom, from Sept. 15 to April 15.

Penalty, One Dollar for each Trout taken.

Chap. 58, Stat. 1862.

No person shall take any Trout in Nye's Pond, in Sandwich, or the stream running therefrom to Jeremy's Creek, so-called, or in said Jeremy's Creek, between that point and Scorton Harbor, from August 1 to April 1. Nor shall any person take any trout therefrom, except with hook and line. Nor shall any person enter upon

the land bordering upon said pond or stream at any season of the year, without the written permission of the proprietors.

Penalty, One Dollar for each Trout taken.

Chap. 94, Stat. 1862.¹

Chap. 261, Stat. 1871.

No person shall take any Trout in Quashuet River, in the district of Marshpee, from September 15th to March 20th, nor at any time, without a written permit from the Treasurer of Marshpee.

Chap. 150, Stat. 1864.

All acts passed prior to 1864, for the preservation of fish and the regulation of fisheries in the Mystic River, shall extend to the Town of Winchester, and to all the ponds and streams therein.

Chap. 234, Stat. 1864.

No fish shall be taken within fifty rods of any fish-way now existing, or hereafter to be constructed over or at any dam in the Towns of Medford, West Cambridge and Winchester, between April 1 and June 15. Penalty, fifty cents for each fish taken. Prosecutions to be commenced within thirty days after the commission of the offence.

Chap. 219, Stat. 1865.

No person shall fish within four hundred yards of any fish-way on Merrimack River, nor trespass within the limits of the same, under a penalty of Fifty Dollars.

Chap. 289, Stat. 1867.

No person shall take any trout from the Merrill Pond, on the old Wendell Town Farm, in the Town of Wendell, or the waters running into the same, at any time of the year, without permission of the proprietor.

Penalty, One Dollar for each Trout taken.

Chap. 289, Stat. 1868.

No person shall take any Trout from Jones' Mill Creek, in the Town of Barnstable, from its source to the junction with Scorton Creek, and within two hundred yards of said junction, on either side thereof, from August 1st to April 1st. Nor shall any person take any Trout therefrom, except by hook and line; nor shall any person

enter upon the land bordering upon said pond or stream, at any season of the year, for the purpose of taking Trout without the written permission of the proprietor.

Penalty, One Dollar for each Trout taken.

Chap. 200, Stat. 2868.

Barzilla Sears, of the Town of Sandwich, his heirs and assigns, have the exclusive right, until April 14, 1891, to catch Alewives in Mill River, in Sandwich, on Monday, Wednesday, Friday and Saturday in each week; *Providing* he keeps and maintains fish-ways around the dams on said river.

No person can take Alewives in said stream without the written consent of said Sears, or his heirs or assigns. Penalty, Ten Dollars.

Chap. 189, Stat. 1871.

No Shad or Alewives shall be taken in any part of North River, in the County of Plymouth, from March 1 to June 15th, including both of said days, excepting on Mondays, Tuesdays and Wednesdays of each week, from sunrise to sunset of said days.

Chap. 229, Stat. 1872.

The inhabitants of Kingston can regulate the fishing in Jones' River, Stony Brook and Smelt Brook, in Kingston.

Chap. 218, Stat. 1872.

It is unlawful to catch Trout in Avery Brook, in Charlemont and Heath, without written license from owners or lessees, providing the lessees or owners maintain notices of this act and its penalties, painted or engraved in clear, legible letters; said notices to be erected within one hundred rods of each other, throughout the entire length of said Brook, and its tributaries, and on or near the banks thereof, within the boundaries of said Town.

Penalty, Twenty-five Dollars for each offence. Also a penalty of Twenty-five Dollars for destroying, injuring or defacing any such notices.

Chap. 235, Stat. 1869.

Whoever catches, takes or destroys any Black Bass in the waters of Lake Cochituate, in the Towns of Natick, Wayland or Framing-

ham, in the County of Middlesex, shall forfeit for each offence not less than Ten, nor more than Fifty Dollars.

Chap. 382, Stat. 1870.

Smelts, Pickerel, or Pickerel Bait, may be taken in the Merrimack River, from October 1 to April 15th.

Chap. 235, Stat. 1872.

Fishing in Town River, in the Towns of Bridgewater and West Bridgewater, in Satucket River, in the Town of East Bridgewater, and in the Monpowset River or Brook, in the Town of Halifax, is is and may be regulated and controlled by said towns.

Chap. 190, Stat. 1872, and Chap. 32, Stat. 1878.

No person shall set, draw or use any seine in the waters of Mattapoisett Harbor and those streams flowing into the same, without permission from the Selectmen of Mattapoisett.

Chap. 259, Stat. 1864.

The law is the same as to the Harbor of Marion. Permission must be got of Selectmen of Marion.

Chap. 273, Stat. 1864.

No net, seine or fish-weir to be used in the head waters of Buzzard's Bay.

Chap. 249, Stat. 1870.

Trout cannot be caught in the stream known as East Head, in the Towns of Carver and Plymouth, without permission from certain proprietors.

Chap. 86, Stat. 1867,

Fishing is limited and regulated in certain waters in Edgartown.

Chap. 248, Stat. 1872.

No seine or drag-net shall be drawn in Menamsha Pond within fifty rods from the mouth of the Gay Head Herring Creek, between March 15 and May 15th. Penalty, Five Dollars.

Chap. 196, Stat. 1873.

Trout not to be taken from Grist Mill Pond, near the Parke Mill

Iron Works, in the Town of Wareham, or the waters running into the same, without permission from certain proprietors.

Chap. 110, Stat. 1838.

Fishing in Lagoon Pond, in Dukes County, is limited.

Chap. 47, Stat. 1862.

Fishing in Eel River and Town Brook, in Plymouth, can be regulated by said Town.

Chap. 57, Stat. 1865.

Fishing in Cole's River and Lee's River, in Swansea and Somerset, can be regulated by said Towns.

Chap. 172, Stat. 1866.

Prior to 1860, there were several special acts passed by the Massachusetts legislature, regulating the fishing on the coast, and in various Towns in the eastern part of the State. These acts were never published as general laws; many of them have been repealed, or embraced in the foregoing acts. Those that are now in force are so well understood, having been in operation for twenty years and upwards, that it has not been thought worth while to embrace them in this work; and nothing is included in here that specially refers to Shell Fisheries.

Some Towns have voted to prohibit fishing in the streams within their respective limits, but such vote has no legal effect except in those Towns specially authorized by act of Legislature; but the following law may be of interest to fishermen and hunters.

AN ACT TO SECURE LAND FROM TRESPASSERS.

SECTION 1. Whoever between the first day of April and the first day of December, wilfully enters on or passes over or remains on any orchard, garden, mowing land or other improved or inclosed land of another, after being forbidden by the owner or occupant thereof, or by the authorized agent of said owner or occupant, either personally, or by notice posted conspicuously on the premises, shall be guilty of trespass and shall be punished by a fine not exceeding Twenty Dollars; and such fine shall not be less than Five Dollars, if the offence is committed on the Lord's Day.

SECTION 2. A person found in the act of committing the trespass

described in the preceding section, may be apprehended by any Sheriff, Deputy Sheriff, Constable, Watchman or Police Officer, without a written warrant and kept in custody in a convenient place, not more than twenty-four hours, Sunday excepted; at or before the expiration of which time he shall be brought before a Trial Justice, Police, Municipal or District Court, and proceeded against according to law, or discharged, as the magistrate or court shall determine.

Chap. 181, Stat. 1876.

The fishery of any pond, the superficial area of which is more than twenty acres, shall be public, except such as may have been specially granted by law, or leased, and all persons shall, for the purpose of fishing, be allowed reasonable means of access to the same, without rendering themselves liable to prosecution or action for trespass.

Sec. 8, Chap. 384, Stat. 1869.

The riparian proprietor of any pond, the superficial area of which is not more than twenty acres, shall have exclusive control of the fisheries therein existing.

Sec. 7, Chap. 384, Stat. 1869.

Commissioners.

The Commissioners of Inland Fisheries can, in the name of the Commonwealth, lease any great pond, exceeding twenty acres in area, for the purpose of cultivating useful fishes, for such periods of time, and on such terms and conditions as shall seem to said Commissioners for the public good. The lease can be made to individuals or to towns, but such lease shall not affect any public rights to such pond, other than the right of fisheries.

The Commissioners have also the right to take, occupy, manage and control any such ponds in the State, not already leased, not exceeding six in number, for the purpose of cultivating and distributing useful fishes throughout the State. They also have power to require the building and maintaining of fish-ways in certain rivers in this Commonwealth.

Chap. 238, Stat. 1866.

Chap. 198, Stat. 1872.

Chap. 62, Stat. 1876.

Chap. 344, Stat. 1867.

Chap. 302, Stat. 1872.

Chap. 104, Stat. 1876.

Chap. 384, Stat. 1869.

Chap. 195, Stat. 1873.

Chap. 180, Stat. 1877.

The owner or owners of every pond, weir or other similar fixed contrivance, or of any fishing pier, seine, drag or gill net used in any of the waters of this State for fishing purposes, shall make written report, under oath to the Commissioners on Inland Fisheries, on or before the first day of October in each year, specifying the number of each kind of edible fish caught by his or their respective pounds, weirs, or other similar fixed contrivances, piers, seines, drag or gill nets, during the year next preceding the date of said report.

Chap. 104, Stat. 1876.

As to the validity of certain forms of complaints, &c., and the power of the Commissioners and of lessees, see

Commonwealth vs. Tiffany, 119 Mass., 300.

Commonwealth vs. Weatherland, 110 Mass., 175.

Commonwealth vs. Look and others, 108 Mass., 452.

Commonwealth vs. Vincent, 108 Mass., 441.

Commissioners on Inland Fisheries vs. Holyoke Water
Power Company, 104 Mass., 446.

Paetor vs. Wells, 103 Mass., 216.

G A M E.

Woodcock, Partridge, Quail.

Whoever in this Commonwealth, takes or kills any woodcock, or any ruffed grouse, commonly called partridge, between the first day of January and the first day of September in any year, or any quail between the first day of January in any year and the first day of November following, or within the respective times aforesaid, sells, buys, has in his possession, or offers for sale any of said birds taken or killed within this Commonwealth, shall forfeit for every such bird twenty-five dollars.

Duck, Teal.

Whoever in this Commonwealth takes or kills any wood or summer duck, black duck, or teal, between the fifteenth day of April and the first day of September in any year, or within said time sells, buys, has in possession, or offers for sale any of said birds, shall forfeit for every such bird twenty-five dollars.

Plover.

Whoever in this Commonwealth takes or kills any Bantravian sandpiper, commonly called upland or field plover, between the first day of January and the fifteenth day of July in any year, or within said time sells, buys, or has in his possession or offers for sale any of said birds, shall forfeit for every such bird ten dollars.

Undomesticated Birds.

Whoever in this Commonwealth takes or kills at any season of the year any undomesticated birds not named in the preceding sec-

tions of this act, except birds of prey, crows, crow blackbirds, herons, bitterns, wild pigeons, jays, rail, Wilson's snipe, wild geese, plover, sandpiper, or any of the so called marsh, beach or shore birds, and such fresh-water or sea fowl as are not named in the preceding sections of this act, or wilfully destroys or disturbs the nests or eggs of any undomesticated birds, except the nests and eggs of birds of prey or crows, shall forfeit for every such offence ten dollars ; *provided*, that any person having a certificate from the Museum of Comparative Zoology at Cambridge, the Massachusetts Agricultural College at Amherst, the Boston Society of Natural History, the Worcester Lyceum and Natural History Society, the Peabody Academy of Science at Salem, or from any incorporated society of natural history or college in the state, to the effect that he is engaged in the scientific study of ornithology, or is collecting in the interests of and for said institutions, or any one of them, may at any season of the year take or kill any undomesticated birds, or take their nests and eggs.

Game Birds not to be Destroyed by Snares, &c.

Whoever in this Commonwealth at any season of the year takes, kills or destroys any game bird, except wild pigeons, by means of traps, snares, nets, or springes, or shoots at or kills any wild fowl, or any of the so called shore, marsh or beach birds, with or by the use of any battery, swivel or pivot gun, or by the use of any torch, jack or artificial light, shall forfeit for every such offence twenty-five dollars.

Deer, Gray Squirrel, Rabbits.

Whoever in this Commonwealth at any season of the year prior to the first day of January, eighteen hundred and eighty, and whoever thereafter between the first day of December in any year and the first day of October following, takes or kills any deer (except his own tame deer kept on his own grounds) shall forfeit for every such offence one hundred dollars ; and any person may kill any dog found chasing or hunting any deer where the dog is used for that purpose with the knowledge of his owner or keeper ; and whoever, between the first day of March in any year and the first day of Oc-

tober following, takes or kills any gray squirrel, hare or rabbit, shall forfeit for every such offence ten dollars.

Pinnated Grouse, or Prairie Chicken.

Whoever in this Commonwealth, at any season of the year takes or kills any pinnated grouse, commonly called prairie chicken, unless upon ground owned by him, and grouse placed thereon by the owner, shall forfeit for every such bird twenty-five dollars; *provided*, that any person may buy, sell, or have in possession quail and pinnated grouse, commonly called prairie-chicken, at any time, provided the same be not taken or killed in this Commonwealth contrary to the provisions of this act.

In all prosecutions under the provisions of this act, the possession by any person or corporation of any gray squirrel, deer, or of birds mentioned as protected in this act, during the time within which the taking or killing of the same is prohibited, shall be *prima facie* evidence to convict under this act.

All forfeitures accruing under this act shall be paid, one-half to the informant or prosecutor, and one-half to the city or town where the offence is committed.

Chap. 95, Stat. 1877.

OTHER LAWS.

The following laws may be interesting to some :

Law of the Road.

SECTION 1. When persons meet each other on a bridge or road, travelling with carriages, wagons, carts, sleds, sleighs or other vehicles, each person shall seasonably drive his carriage or other vehicle to the right of the middle of the travelled part of such bridge or road, so that their respective carriages or other vehicles may pass each other without interference.

§ 2. The driver of a carriage or other vehicle passing a carriage or other vehicle travelling in the same direction, shall drive to the left of the middle of the travelled part of a bridge or road ; and if the bridge or road is of sufficient width for the two vehicles to pass, the driver of the leading one shall not wilfully obstruct the same.

§ 3. No person shall travel on a bridge or road with a sleigh or sled drawn by one or more horses, unless there are at least three bells attached to some part of the harness.

Penalty, Twenty Dollars, with a further liability to party damaged for amount of damage.

Chap. 77, Genl. Statutes.

Dogs.

Every owner or keeper of a dog shall annually, on or before the thirtieth day of April, cause it to be registered, numbered, described and licensed for one year from the first day of the ensuing May, in the office of the Clerk of the City or Town wherein said dog is kept and shall cause it to wear around its neck a collar distinctly marked with its owner's name and its registered number, and shall pay for such license, for a male dog Two Dollars and for a female dog Five Dollars.

Penalty for violation, Fifteen Dollars; Five Dollars of which is to be paid to the complainant.

Every license issued to the owner of any dog in this Commonwealth shall have printed thereon a description of the symptoms of the disease in dogs known as hydrophobia.

Chap. 130, Stat. 1867.

Chap. 167, Stat. 1877.

Lien upon Horses and Other Domestic Animals, for the Expenses of their Care and Keeping.

All persons having proper charges due for pasturing, boarding or keeping horses or other domestic animals brought to their premises or placed in their care by or with the consent of the owners thereof, shall have a lien on such horses or other domestic animals for such charges, and the lien may be enforced in the manner provided for the enforcement of other liens on personal property.

Chap. 208, Stat. 1878.

Bonfires.

Whoever is concerned in causing or making a bonfire within ten rods of any house or building shall be punished by fine not exceeding Twenty Dollars, or imprisonment not exceeding one month.

Sec. 12, Chap. 164, Genl. Statutes.

Whoever wilfully and maliciously, or wantonly and without cause, cuts down or destroys, or by girdling, lopping or otherwise injures any fruit or other tree not his own, standing or growing for shade, ornament or other useful purpose, or maliciously or wantonly breaks any glass in a building not his own, or maliciously breaks down, injures, mars or defaces any fence belonging to or enclosing lands not his own, or maliciously throws down or opens any gate, bars or fence and leaves the same down or open, or maliciously and injuriously severs from the freehold of another any produce thereof, or anything attached thereto, shall be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding One Hundred Dollars.

Sec. 82, Chap. 161, Genl. Statutes.

LIST OF PONDS LEASED

*By the Commissioners on Inland Fisheries, under authority
given by Chap. 384, Sec. 9 of the Acts of 1869.*

1870.

- Feb. 1. Waushakum Pond, in Framingham, to Sturtevant and others, 21 years.
 Mar. 1. Tisbury Great Pond, in Tisbury and Chilmark, to Allen Look and others, 10 years.
 Apr. 1. Channcey Pond, in Westborough, to Trustees Reform School, 5 years.
 1. Mendon Pond, in Mendon, to Leonard T. Wilson and another, 20 years,
 June 20. Silver Lake, in Wilmington, to Charles O. Billings and others, 20 years.
 Sept. 12. Baptist Lake, in Newton, to J. F. C. Hyde and others, 20 years.
 Oct. 15. Archer's Pond, in Wrentham, to William E. George, 15 years.

1871.

- Jan. 10. Nine Mile Pond, in Wilbraham, to B. F. Bowles, 10 years.
 30. Little Pond, in Falmouth, to F. H. Dimmick, 10 years.
 Apr. —. Spectacle, Triangle, and Peter's ponds, in Sandwich, to G. L. Fessenden and another, 5 years.
 17. Long Pond, in Falmouth, to Joshua S. Bowerman and three others, 20 years.
 May 15. Pratt's Pond, in Upton, to D. W. Batcheller, 20 years.
 18. Little Sandy Pond, in Plymouth, to William E. Perkins, 15 years.
 Nov. 1. Punkapoag Pond, in Randolph and Canton, to Henry L. Pierce, 20 years.

1872.

- Jan. 1. Sandy Pond, Forest Lake, or Flint's Pond, in Lincoln, to James L. Chapin and others, 20 years.
 Apr. 1. Onota Lake, in Pittsfield, to William H. Murray and others, 5 years.
 July 20. Little Pond, in Braintree, to Eben Denton and others, 20 years.

1873.

- May 1. Meeting-house Pond, in Westminster, to inhabitants of Westminster, 15 years.
 1. Great Pond, in Weymouth, to James L. Bates and others, 15 years.

1873.

- July 1. Little Sandy Pond, in Pembroke, to A. C. Brigham and others, 16 years.
- Sept. 1. Pontoosuc Lake, in Pittsfield and Lanesborough, to E. H. Kellogg and others, 15 years.
- Oct. 1. Farm Pond, in Sherborn, to inhabitants of Sherborn, 15 years.
1. Spot Pond, in Stoneham, to inhabitants of Stoneham, 15 years.
- Nov. 1. Lake Chaubunagungamong, or Big Pond, in Webster, to inhabitants of Webster, 5 years.
- Dec. 1. Lake Wauban, in Needham, to Hollis Hunnewell, 20 years.

1874.

- Mar. 1. Walden and White Ponds, in Concord, to inhabitants of Concord, 15 years.
2. Upper Nankeag, in Ashburnham, to inhabitants of Ashburnham, 20 years.
- Apr. 1. Elder's Pond, in Lakeville, to inhabitants of Lakeville, 15 years.
20. North and South Podunk Ponds, in Brookfield, to inhabitants of Brookfield, 15 years.
- May 2. Brown's Pond, in Peabody, to John L. Shorey, 15 years.
1. Maquan Pond, in Hanson, to the inhabitants of Hanson, 15 years.
16. Wickaboag Pond, in West Brookfield, to Lemuel Fulham, 15 years.
20. Unchechewalom and Massapog ponds, to the inhabitants of Lunenburg, 20 years.
- July 1. Hardy's Pond, in Waltham, to H. E. Priest and others, 15 years.
1. Hockomock Pond, in Westborough, to L. N. Fairbanks and others, 15 years.
11. Mitchell's Pond, in Boxford, to R. M. Cross and others, 15 years.
11. Hazzard's Pond, in Russell, to N. D. Parks and others, 20 years.
- Oct. 1. East Waushacum Pond, in Sterling, to inhabitants of Sterling, 20 years.
20. Middleton Pond, in Middleton, to inhabitants of Middleton, 15 years.

1875.

- Jan. 1. White and Goose Ponds, in Chatham, to George W. Davis, 15 years.
- Mar. 1. Lake Pleasant, in Montague, to inhabitants of Montague, 10 years.

1875.

- Mar. 1. Hood's Pond, in Ipswich and Topsfield, to inhabitants of Topsfield, 15 years.
- Apr. 1. Chauncey Pond, in Westborough, to inhabitants of Westborough, 15 years.
3. West's Pond, in Bolton, to J. D. Hurlburt and others, 15 years.
15. Gates Pond, in Berlin, to E. H. Hartshorn and others, 15 years.
24. Pleasant Pond, in Wenham, to inhabitants of Wenham, 15 years.
- May 1. Morse's Pond, in Needham, to Edmund M. Wood, 15 years.
1. Great Pond, in North Andover, to Eben Sutton and others, 20 years.
1. Chilmark Pond, in Chilmark, to J. Nickerson and others, agents, 20 years.
- July 1. Winter Pond and Wedge Pond, in Winchester, to inhabitants of Winchester, 15 years.
1. Haggett's Pond, in Andover, to inhabitants of Andover, 20 years.
- Aug. 1. Oyster Pond, in Edgartown, to J. H. Smith and others, 20 years.
7. West Wauschaecum Pond, in Sterling, to inhabitants of Sterling, 20 years.
9. Mystic (Upper) Pond, in Winchester, Medford, and Arlington, to inhabitants of Winchester and Medford, 15 years.
- Oct. 1. Little Chauncey and Solomon Ponds, in Northborough, to inhabitants of Northborough, 15 years.

1876.

- Feb. 1. Great Sandy Bottom Pond, in Pembroke, to Israel Thrasher and others, 15 years.
- Mar. 1. Dennis Pond, in Yarmouth, to inhabitants of Yarmouth, 15 years.
1. Crystal Lake, in Wakefield, to Lyman H. Tasker and others, 15 years.
20. Lower Naumkeag Pond, in Ashburnham, to inhabitants of Ashburnham, 48 years.
28. Dennison Lake, in Winchendon, to inhabitants of Winchendon, 15 years.
28. Phillipston Pond, in Phillipston, to inhabitants of Phillipston, 20 years.
- May 8. South-west Pond, in Athol, to Adin H. Smith and others, 15 years.
- June 1. Norwich Pond, in Huntington, to inhabitants of Huntington, 20 years.

- 1876.
- June 10. Dug Pond, in Natick, to W. P. Bigelow and others, 15 years.
- Oct. 1. Farm and Learned's Pond, in Framingham, to inhabitants of Framingham, 15 years.
1. Whitney's Pond, Wrentham, to inhabitants of Wrentham, 15 years.
1. Little Pond, in Barnstable, to George H. Davis, 15 years.
- 1877.
- Mar. 1. Nine Mile Pond, in Wilbraham, to inhabitants of Wilbraham, 15 years.
15. Pentucket and Rock Ponds, in Georgetown, to inhabitants of Georgetown, 15 years.
- Aug. 10. Onota Lake, in Pittsfield, to William H. Murray and others, 15 years.
- Oct. 1. Fort. Great Spectacle and Little Spectacle Ponds, in Lancaster, to inhabitants of Lancaster, 20 years.

The Commissioners have, under the Act of 1876, taken possession of Halfway Pond, in Plymouth, for the purpose of raising and distributing fish in other waters of the State.

Lessees of ponds are required, by their leases, to use all reasonable efforts to stock their ponds, and keep accurate records of the same, and make returns of their doings to the Commissioners on the first of October, each year, of the number and species of fish which they have put in or removed from their ponds. Any failure to comply with these conditions is a breach of contract invalidating their lease. It is important that the State should know just what is being done; and, where there appears to be mismanagement or apparent failures, the Commissioners will visit the ponds, and ascertain, if possible, the cause.

COMMISSIONERS ON FISHERIES.

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Prof. Spencer F. Baird,	{ Smithsonian Institution, Washington, D. C.
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Maj. Jonathan Evans,	Fayetteville.
Capt. J. R. Thispan,	Tarboro'.

INDEX.

A.	Page.	L.	Page.
Alewives.	10, 11, 15, 17	Land-locked Salmon,	7
		Lake Trout,	6
		Liens,	26
B.		Leased Ponds,	27
Birds,	22, 23	LAKES—	
Black Bass,	6	Cochituate,	17
Bull Heads,	9	Quannapowitt,	10
BROOKS,	12	Lobsters,	11
Avery,	17		
East Head,	18	P.	
Smelt,	17		
Stony,	17	Partridge,	22
Town,	19	Pickerei.	9, 11, 17
Bontires,	27	Perch.	9, 11
		Plover,	22
C.		Pinnated Grouse,	24
Chickens, Prairie,	24	Poisoning,	11
COMMISSIONERS,	20	Prairie Chicken,	24
List of,	31, 32, 33	POXDS.	12, 20
CREEKS—		Adams,	12
Musquashuiet,	13	Barlow,	13
Seorton,	16	Cheshire,	12
		Flax,	10
		Grist Mill,	18
D.		Jehu's,	12
Deer,	23	Lagoon,	19
Duck,	22	Menamsha,	18
Dog Law,	25	Merrill,	16
		Nantucket,	12
		Watuppa,	13
		Worcester,	12
E.			
Eels,	9, 11, 12, 13	Q.	
		Quail,	22
F.			
Fish,	5	R.	
Fishways,	14, 15	Rabbits,	23
		RIVERS—	
G.		Agawam,	15
		Cole's,	19
Game,	22	Connecticut,	7, 9, 14
Gray Squirrel,	23	Deerfield,	13
Grouse,	24	Eel,	13, 19
		Halfway Pond,	15
		Herring,	13
H.		Housatonic,	13
Herring,	10, 11	Ipswich,	13
		Jones,	12, 17

RIVERS, CONTINUED--		Page.	TOWNS, CONTINUED--		Page.
Lee's,		19	Cheshire,		12
Mattapoisett,		13	Cohasset,		13
Marshpee,		15	East Bridgewater,		8, 18
Merrimack,	7, 9, 10, 13, 14, 16, 18	15	Fall River,		13
Miller's,		13	Framingham,		17
Mill,		17	Halifax,		8, 18
Montaquot,		8	Heath,		17
Monponsett,		18	Holyoke,		14
Mystic,		15	Ipswich,		13
Nashua,		13	Kingston,		13, 17
Neponsett,		8	Lanesborough,		12
Newmasket,	8, 10, 15	10	Lynn,		10
North,	8, 9, 10, 17	18	Marion,		18
Saugus,	8, 9, 10	12	Mashpee,		12
Satucket,	8, 18	12	Marshpee,		12
Taunton Great,	8, 10, 15	13, 18	Mattapoisett,		13, 18
Town,	8, 18, 19	16	Medford,		16
Westfield,		13	Nantucket,		12
Weweeantit,		7	Natick,		17
Road, Law of,		25	Plymouth,		13, 19
S.			Scituate,		13
Salmon,	6, 8, 14	17	Sandwich,		17
Shad,	7, 14, 15, 17	16	Wareham,		16, 19
Smelts,	10, 18	17	Wayland,		17
Squirrel,		23	Wendell,		16
Suckers,		9	Wellfleet,		13
T.			West Bridgewater,		8, 18
Teal,		22	West Cambridge,		16
Trout,	5, 15, 16, 17, 18	13	Westport,		13
Lake Trout,		6	Winchester,		16
Trespassers,	19, 27	16	Worcester,		12
TOWNS--			U.		
Barnstable,		16	Undomesticated Birds,		22
Braintree,		8	W.		
Bridgewater,	8, 18	18	Woodcock,		22
Carver,		18			
Charlemont,		17			

ERRATA.

On page 29, in lease of Lower Naumkeag Pond, for "48 years," read *18 years*.

PRICE TWENTY-FIVE CENTS.

A
COMPILATION AND SUMMARY
OF THE
FISH AND GAME LAWS
OF MASSACHUSETTS.

JUNE 1, 1878.

BY HENRY J. DUNHAM,
STOCKBRIDGE, MASS.

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